

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARGARET DEWEESE-BOYD,

Plaintiff,

v.

GORDON COLLEGE, D. MICHAEL
LINDSAY, JANEL CURRY, HERMAN
SMITH, and MYRON ULLMAN III

Defendants.

Civil Action No. _____

NOTICE OF REMOVAL

Defendants Gordon College, Michael Lindsay, Janel Curry, Herman Smith, and Myron Ullman III (“Defendants”), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby remove this matter to the United States District Court for the District of Massachusetts, Eastern Division. The grounds for removal are as follows:

THE ACTION AND RELEVANT BACKGROUND

1. Plaintiff filed a Complaint and Demand for Jury Trial against Defendants Gordon College, D. Michael Lindsay, and Janel Curry on September 13, 2017, in the Superior Court of the Commonwealth of Massachusetts for Essex County, Case No. 21777CV01367 (“Complaint”).

2. Plaintiff filed a First Amended Complaint and Demand for Jury Trial against Defendants on January 27, 2022, in the Superior Court action. (“Amended Complaint”).

3. For the first time in this litigation, the Amended Complaint asserts causes of action under federal law, specifically 42 U.S.C. §§ 2000e, et seq. (“Title VII”). *See Am. Compl.* ¶¶ 162-169.

4. Copies of all process, pleadings, papers and orders filed in this action in the

Superior Court of the Commonwealth of Massachusetts for Essex County, the Massachusetts Appeals Court and the United States Supreme Court are attached as **Exhibit A**.

VENUE, TIMELINESS, AND JURISDICTION

5. Venue is proper in the United States District Court for the District of Massachusetts under 28 U.S.C. § 1441(a) because the District of Massachusetts, Eastern Division, includes the Superior Court of Massachusetts for Essex County. 28 U.S.C. § 1441(a).

6. Defendants accepted service of the Amended Complaint on or about January 27, 2022.

7. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of service of the Amended Complaint. 28 U.S.C. § 1446(b).

8. The Amended Complaint asserts new federal claims arising under the Title VII. *Am. Compl.* ¶¶ 162-169.

9. Accordingly, this action is properly removed to this Court as presenting a federal question, pursuant to 28 U.S.C. § 1331.

10. Further, this Court has supplemental jurisdiction over Plaintiff's state law claims because they are "so related . . . that [they] form part of the same case or controversy" as Plaintiff's federal claims such that all claims in this action are properly within this Court's jurisdiction pursuant to 28 U.S.C. § 1367(a).

NOTICE TO THE PLAINTIFF AND ESSEX COUNTY SUPERIOR COURT

9. As required by 28 U.S.C. § 1446(d), a copy of the original notice of removal will be served on Plaintiff's counsel of record. In addition, a copy of this notice of removal will be filed with the Clerk of the Court for the Superior Court for Essex County.

Respectfully submitted,

GORDON COLLEGE, D. MICHAEL
LINDSAY, JANEL CURRY, HERMAN
SMITH, and MYRON ULLMAN III

By their attorneys,

/s/ Benjamin Davis

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Ashley B. Abel (pro hac vice motion to be
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Dated: February 25, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February 2022 a true copy of the foregoing Notice of Removal was filed with the Clerk of the Court using the CM/ECF system, with a copy sent to counsel by first-class mail.

/s/ Benjamin R. Davis

Jackson Lewis P.C.